MAIL STOP APPEAL BRIEF - PATENTS
0512-1203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Jerome MAILLARD et al. Appeal No. _____

Application No. 10/799,591 Group 3746

Filed March 15, 2004 Examiner P. Hamo

A VENTILATION ASSEMBLY HAVING A COLLAR FOR THE RADIAL CLAMPING OF THE FAN MOTOR, CORRESPONDING COOLING MODULE FOR THE FRONT UNIT, AND CORRESPONDING MOTOR VEHICLE

APPEAL BRIEF

MAY IT PLEASE YOUR HONORS:

1. Real Party in Interest

The real party in interest in this appeal is the assignee, Faurecia Cooling Systems of Nanterre, France.

2. Related Appeals and Interferences

None.

3. Status of the Claims

Claims 1-16 are pending in the application. Claims 2-6 and 9-14 were withdrawn from consideration as being directed to a non-elected species. The present appeal is taken from the final rejection of claims 1, 7, 8, 15 and 16.

4. Status of Amendments

No amendment was filed subsequent to the final rejection of the claims on appeal.

5. Summary of Claimed Subject Matter

With reference to page 1, lines 1-5 of the specification, the invention relates to a ventilation assembly for a motor vehicle, of the type comprising a fan, a support for mounting the fan in a motor vehicle, and means for securing the fan to the mounting support.

The independent claims are 1 and 15.

As recited in claim 1 and illustrated by way of example in Figure 2, reproduced below, the ventilation assembly for a motor vehicle, comprises a fan 3, a support 4 for mounting the fan in a motor vehicle and means 24 for securing the fan to the mounting support. See page 4, lines 20-23 and page 2, lines 5-8. The fan comprises a helix 6 and a motor 8 for driving the helix in rotation. See page 5, lines 4-7. The securing means comprises a collar 26 for the radial clamping of the motor. See page 2, lines 5-8. The collar 26 is integral with the support 4. See page 2, line 26.

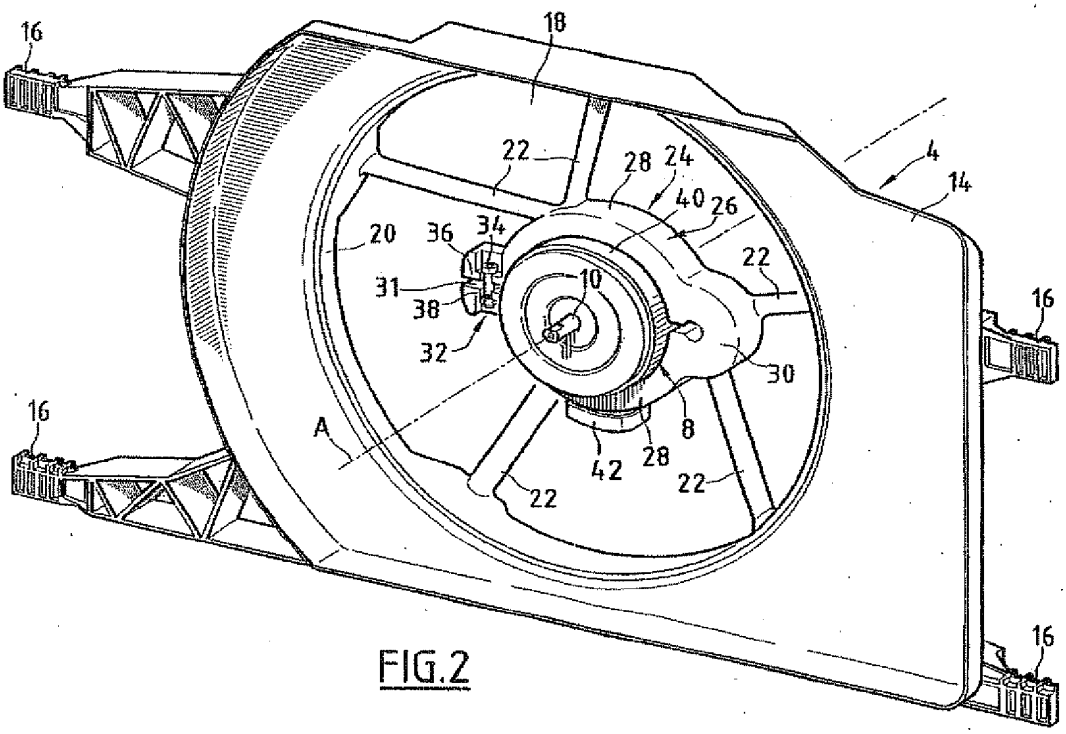


FIG.2

Independent claim 15 includes a similar recitation and recites a module for cooling a front unit of a motor vehicle. The module 1 comprises a heat exchanger 2 and a ventilation assembly. See page 4, lines 20-23. The ventilation assembly comprises a fan 3, a support 4 for mounting the fan in a motor vehicle and means 24 for securing the fan to the mounting support. See page 4, lines 20-23 and page 2, lines 5-8. The fan 3 comprises a helix 6 and a motor 8 for driving the helix in rotation. See page 5, lines 4-7. The securing means comprises a collar 26 for the radial clamping of the motor. See page 2, lines 5-8. The collar 26 is integral with the support 4. See page 2, line 26.

6. Grounds of Rejection to be Reviewed on Appeal

The first issue on appeal is whether claims 1, 7, 8 and 15 are anticipated by COUETOUX et al. 6,158,979.

The second issue on appeal is whether claims 1, 7, 8, 15 and 16 would have been obvious, in the meaning of 35 USC §103(a) based solely on COUETOUX et al.

7. Arguments

Arguments Concerning the First Ground of Rejection

The final rejection argues (last four lines at the bottom of page 2) that COUETOUX discloses a securing means that comprises a wedging block (ring 12, with wedge-shaped arms 18 extending from ring support 12) which is inserted between the motor and the substantially rigid collar 14 in order to clamp the motor radially.

However, the above characterization of COUETOUX is inconsistent with the disclosure of COUETOUX. That is, COUETOUX does not disclose a clamp that exerts a radial force on the motor as required to meet the present claims.

Rather, COUETOUX discloses a gap between collar 12, 14 and motor 26 that would not enable the collar to exert a radial force on the motor.

As seen by way of example in Figure 5 of COUETOUX, reproduced below, a gap 58 is provided between inner support 12 and motor 26.

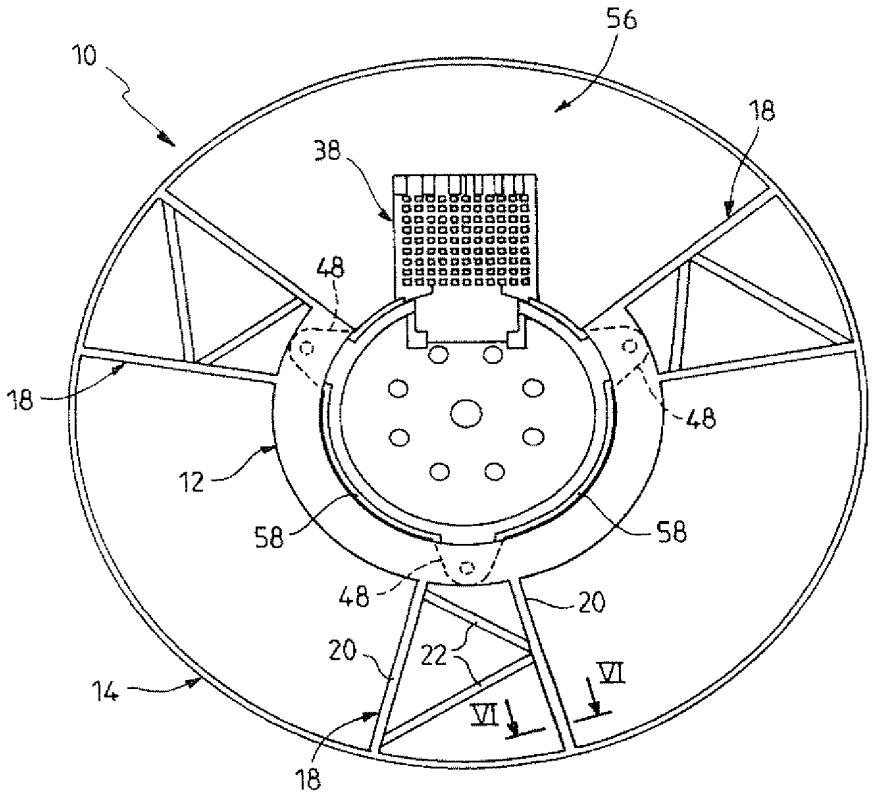


FIG. 5

As disclosed on column 4, lines 11-14 of COUETOUX air flows through circular arc-shaped gaps 58 between the cylindrical wall 44 of the casing of the motor 26 and the inside cylindrical wall 50 of the circular ring forming the inner support.

As disclosed on column 4, lines 15-17 of COUETOUX: "There must therefore be a slight difference between the diameters of the two cylindrical walls to form a gap through which the air can pass."

A similar gap is shown, but not numbered in the embodiment of Figure 1 of COUETOUX.

The inclusion of such a gap in COUETOUX necessarily prevents the collar from radially clamping the motor.

Instead, the motor of COUETOUX is secured to the collar 14 and support ring 12 by screws axially extending through holes 62 in the support ring and corresponding holes in the lug 48 of the motor casing 34. Such a configuration and the shortcomings thereof are discussed on page 1, lines 14-26 of the present application, which describes FR-2,766,235 (the French equivalent of COUETOUX). COUETOUX never discloses a collar for the radial clamping of the motor.

It is furthermore apparent that the cylindrical wall 50 and angular face 52 of COUETOUX are not intrinsically capable of exerting any clamping force, owing to the surrounding structure of device 10.

Not showing all the recited features, and, indeed, being silent to a principal feature of novelty of the claims on appeal, the reference does not anticipate the claims.

Arguments Concerning the Second Ground of Rejection

The final rejection on page 3 essentially repeats the arguments in the first ground of rejection, but concludes that COUETOUX does not explicitly disclose that the collar is integral with the support of the motor vehicle.

Although such assertion appears contradictory to the position set forth in the first ground of rejection (that COUETOUX

is anticipatory), nevertheless, the rejection fails for the reasons set forth above.

That is, the inclusion of a gap in COUETOUX necessarily prevents the collar from radially clamping the motor.

Compare COUETOUX with Figure 2 of the present application, reproduced above, and illustrating an exemplary embodiment of the present invention.

As seen in Figure 2 and as disclosed by way of example on page 6, line 17 to page 7, line 10 of the application as filed, securing means 24 includes a collar 26 that is tightened by bolt 34 to radially clamp the lateral wall 40 of motor 8. COUETOUX does not disclose a collar that radially clamps the motor.

As a result, it would not have been obvious to one having ordinary skill in the art to modify COUETOUX to meet the claimed invention.

In view of the above, it is apparent that since each of the recited elements is not disclosed by the reference, *prima facie* obviousness has not been established.

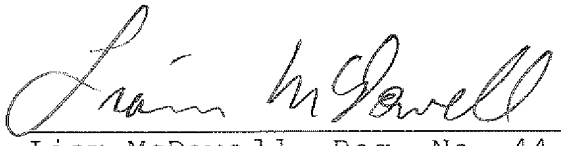
The dependent claims are patentable at least for depending from an allowable independent claim.

Conclusion

Appellants respectfully urge that the rejections on appeal should not be maintained, and respectfully requests that these rejections be reversed.

Respectfully submitted,

YOUNG & THOMPSON



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8. Claims Appendix:

1. A ventilation assembly for a motor vehicle, comprising a fan, a support for mounting the fan in a motor vehicle and means for securing the fan to the mounting support, the fan comprising a helix and a motor for driving the helix in rotation, the securing means comprising a collar for the radial clamping of the motor, wherein the collar is integral with the support.

7. An assembly according to claim 1, wherein the securing means also comprise a wedging block which is to be inserted between the motor and the collar in order to clamp the motor radially.

8. An assembly according to claim 7, wherein the collar is substantially rigid.

15. A module for cooling a front unit of a motor vehicle, comprising a heat exchanger and a ventilation assembly, the ventilation assembly comprising a fan, a support for mounting the fan in a motor vehicle and means for securing the fan to the mounting support, the fan comprising a helix and a motor for driving the helix in rotation, the securing means comprising a collar for the radial clamping of the motor, wherein the collar is integral with the support.

16. A motor vehicle, including a module comprising a fan, a support for mounting the fan in a motor vehicle and means for securing the fan to the mounting support, the fan comprising a helix and a motor for driving the helix in rotation, the securing means comprising a collar for the radial clamping of the motor according to claim 15.

9. Evidence Appendix

None.

10. Related Proceedings Appendix

None.